

## UNITED STATES DISTRICT COURT

for the  
Western District of North Carolina

United States of America

v.

Broderick Edward Graves

Date of Original Judgment: May 16, 1994

Date of Last Amended

Judgment: June 9, 2009Case No: 3:93CR133-04USM No: 10764-058Matthew Pruden

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 360 months **is reduced to** 292 months per ct., concur.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Original Offense Level: 43Amended Offense Level: 40Criminal History Category: ICriminal History Category: IOriginal Guideline Range: LifeAmended Guideline Range: 292 to 365 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.☐ The reduced sentence is above the amended guideline range.☒ Other (explain): 292 months custody in each of Counts One and Two, concurrent, reflects the low end of the revised guideline range, which is still above the statutory mandatory minimum in each of Counts One and Two.**III. ADDITIONAL COMMENTS**

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated May 7, 2007, shall remain in effect.**IT IS SO ORDERED.**Order Date: December 5, 2011Effective Date: 12-21-11  
(if different from order date)
  
 Title of Signing Official  
 United States District Court